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Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

**Amy Fortunata Olmedo**  
12308 1/4 Montana Ave  
Los Angeles, CA 90049

Physical Therapist License No. PT 15498

Respondent.

Case No. 1D 2002 63049

OAH No. L2005080528

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the First Amended Accusation.

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by E. A. Jones III, Deputy Attorney General.

2. Respondent Amy Fortunata Olmedo (Respondent) is represented in this

proceeding by attorney Honey A. Lewis, whose address is 600 City Hall East, 200 N. Main Street, Los Angeles, CA 90012.

3. On or about January 5, 1989, the Physical Therapy Board of California issued Physical Therapist License No. PT 15498 to Respondent. The License was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 1D 2002 63049 and will expire on January 31, 2007, unless renewed.

## JURISDICTION

4. First Amended Accusation No. 1D 2002 63049 was filed before the Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on February 2, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. 1D 2002 63049 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No.1D 2002 63049. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in First  
3 Amended Accusation No. 1D 2002 63049, if proven at a hearing, constitute cause for imposing  
4 discipline upon her Physical Therapist License.

5 9. For the purpose of resolving the First Amended Accusation without the  
6 expense and uncertainty of further proceedings, Respondent admits the truth of each and every  
7 charge and allegation in paragraph 10 of the First Amended Accusation.

8 10. Respondent agrees that her Physical Therapist License is subject to discipline  
9 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
10 Order below.

11 CIRCUMSTANCES IN MITIGATION

12 11. Respondent has never been the subject of any disciplinary action. She is  
13 admitting responsibility at an early stage in the proceedings.

14 RESERVATION

15 12. The admissions made by Respondent herein are only for the purposes of this  
16 proceeding, or any other proceedings in which the Physical Therapy Board of California or other  
17 professional licensing agency is involved, and shall not be admissible in any other criminal or civil  
18 proceeding.

19 CONTINGENCY

20 13. This stipulation shall be subject to approval by the Physical Therapy Board  
21 of California. Respondent understands and agrees that counsel for Complainant and the staff of the  
22 Physical Therapy Board of California may communicate directly with the Board regarding this  
23 stipulation and settlement, without notice to or participation by Respondent or her counsel. By  
24 signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement  
25 or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board  
26 fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
27 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
28 action between the parties, and the Board shall not be disqualified from further action by having

1 considered this matter.

2 14. The parties understand and agree that facsimile copies of this Stipulated  
3 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force  
4 and effect as the originals.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree  
6 that the Board may, without further notice or formal proceeding, issue and enter the following  
7 Disciplinary Order:

8  
9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Respondent Amy Fortunata Olmedo, holder of  
11 Physical Therapist License No. PT 15498, shall be publicly reprovved by the Physical Therapy Board  
12 of California for violating Business and Professions Code sections 2630 and California Code of  
13 Regulations, title 16, section 1399 as set forth in First Amended Accusation No. 1D 2002 63049, and  
14 shall comply with the following terms and conditions. A copy of the public reprovall is attached as  
15 Exhibit B and is incorporated here as if fully set forth.

16 1. COST RECOVERY The respondent is ordered to reimburse the Board the  
17 actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of  
18 \$2883.00. If respondent pays \$300.00 within sixty (60) days of the effective date of this stipulation,  
19 the balance shall be forgiven. Failure to timely make the \$300.00 payment constitutes a material  
20 breach of this order and shall cause the whole amount (\$2883.00) to be due and payable.

21 2. WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING THE  
22 PRACTICE OF PHYSICAL THERAPY Within 180 days of the effective date of this decision,  
23 respondent shall take and pass the Board's written examination on the laws and regulations  
24 governing the practice of physical therapy in California. If respondent fails to pass the examination,  
25 respondent shall be suspended from the practice of physical therapy until a repeat examination has  
26 been successfully passed. Failure to comply with this condition constitutes a material breach of this  
27 order.

28 3. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHEN

1 SUBJECT TO PUBLIC REPROVAL It is not contrary to the public interest for the respondent to  
2 practice and/or perform physical therapy because respondent has been issued a public reproval.  
3 Accordingly, it is not the intent of the Board that this order or the fact that the respondent has been  
4 publicly reproved shall be used as the sole basis for any third party payor to remove respondent from  
5 any list of approved providers.

6 4. FAILURE TO COMPLY WITH ORDER A material breach by respondent  
7 of this order shall constitute unprofessional conduct and shall be a basis for further disciplinary  
8 action by the Board. In such circumstances, the Complainant may reinstate the First Amended  
9 Accusation in case number 1D 2002 63049 and/or file a supplemental accusation alleging any  
10 material breach of this order by respondent as unprofessional conduct.

11  
12  
13 ACCEPTANCE

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have  
15 fully discussed it with my attorney, Honey A. Lewis. I understand the stipulation and the effect it  
16 will have on my Physical Therapist License. I enter into this Stipulated Settlement and Disciplinary  
17 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of  
18 the Physical Therapy Board of California.

19 DATED: January 22, 2006.

20  
21 Original Signed By:  
22 AMY FORTUNATA OLMEDO  
23 Respondent  
24  
25  
26

27 I have read and fully discussed with Respondent Amy Fortunata Olmedo the terms  
28 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary

1 Order. I approve its form and content.

2 DATED: January 22, 2006.

3  
4 Original Signed By:  
5 HONEY A. LEWIS  
6 Attorney for Respondent  
7

8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Physical Therapy Board of California of the Department of  
11 Consumer Affairs.

12  
13 DATED: January 24, 2006.

14 BILL LOCKYER, Attorney General  
15 of the State of California  
16

17 Original Signed By:  
18 E. A. JONES III  
19 Deputy Attorney General  
20 Attorneys for Complainant

21 DOJ Docket/Matter ID Number: 03575160-LA02 1314  
22 Olmedo Stipulated Decision.wpd  
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**Exhibit A**

**First Amended Accusation No. 1D 2002 63049**

**Exhibit B**  
**Public Reproval**



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PHYSICAL THERAPY BOARD OF CALIFORNIA  
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**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 5, 2006.

It is so ORDERED March 6, 2006.

Original Signed By:  
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
Donald Chu, PhD, PT, President